FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 197 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. R.V. Govilkar for Petitioner.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 25, 2005

P.C.

. Respondent No. 1 has obtained certificate under Section 101 of the M.C.S. Act against the Petitioner herein. The Petitioner has not challenged that certificate under the procedure available under M.C.S. Act.

. The Petitioner on the contrary filed a complaint before the Consumer Redressal Forum against the Respondent Bank and Insurance company, wherein relief was sought to restrain the bank from executing the said certificate under Section 101 of the M.C.S. Act. That has been rejected. Consequently the present petition. For completion of the narration of facts, it

should also be pointed out that the petitioner has also filed appeal under Section 91 for the claim which he has against the Respondent NO. 1. That is pending.

. The contention on behalf of the Petitioner is that as his claims against the Bank are pending, the bank should be restrained from executing the certificate under Section 101 of the MC.S. Act. It is not possible to countenance such argument. Once the certificate is issued unless there is stay to the certificate by the competent forum which is the revisional forum under the M.C.S. At, that certificate will have to be executed. By filing proceedings before different forums, it is not possible for those courts to restrain the parties under the M.C.S. Act from giving effect to certificate which is enforceable. Considering the above, to my mind no interference is called for with the impugned order. Petition rejected.

(F.I.REBELLO,J.)